

Claim # 444-2017-00678

Additional Facts.

JRT/053

15. This is when I started working in both departments Italian & Sushi. No Raise. 15 A&B
- 16 It was cold, Buses running funny, called in, got cold went back home,
17. I requested 9 Saturdays off, to take business class, I was penalized for trying to promote myself. Hy-Vee's not.
18. A&B I just my thoughts about the situation at that time
- 19 A&B show, s where I was recommended for the Assistant Meat Manager Position, I applied successfully. I or no one else interviewed for the job. I was called into the office & told the job had been given to someone else. This just shows that the violation continues.
20. This shows where I was Harassed & Followed by a Chef..
20 A&B

RECEIVED

NOV 07 2019

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA



Le Cordon Bleu College of Culinary Arts Mendota Heights, Minnesota

This is to certify that

Kenneth D Frazier

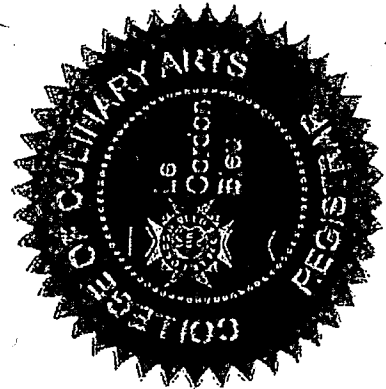
*has satisfactorily completed the
curriculum, and upon recommendation of the faculty, is awarded this
Certificate in Le Cordon Bleu Culinary Arts
with all rights, privileges, and honors pertaining thereto.*

In witness whereof, the undersigned have subscribed their names and affixed the seal of the Institution.

December 18, 2015

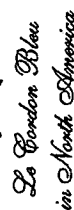


Thomas Borg, President
Le Cordon Bleu College of Culinary Arts



Steven D. Shogley
Steven D. Shogley, Executive Chef
Le Cordon Bleu College of Culinary Arts

10.A



Mendota Heights, Minnesota

*In accordance with the requirements of
La Fondation Le London Bleu*

Kenneth G. Frazier

Has completed the requirements for the.

Diplôme in Le Cordon Bleu Culinary Arts

together with all rights, privileges, and honors thereto appertaining, in recognition of the fulfillment of the requirements for this program.

Given in Mendota Heights, Minnesota

December 18, 2015

Li

Andrés J. Quintanilla, President and CEO, Lo Cordon Bleu International

Turner Bong, President, Le Cordon. Blue College of Culinary Arts.

3-15-2017

To: Scott Ware
Human resources Manager
Hy-Vee #01439-01
New Hope MN

From: Kenneth C. Frazier
Line Cook/ Italian
ID# 709472
LeCordon Bleu Class of 6/16

Re: 3-3-17 Breakfast Sandwich

At or about 10:30^{am}, Had a female customer ccome by and said she would like a Bacon/Egg & Cheese Croissant, In about 10 minutes she came back, I had gotten busy, had eggs cookøns in Rashanale w/15 minutes left to cook.

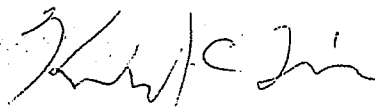
In an effort to exspidite & fulfill the customers order I went to the back to the Market Grill flattop (where i S tarted a yr ago) I asked were the eggs are, I sprayed the empty flattop poured a 1/2 laddle of eggs, While the eggs were cooking Chief Michel Ellisin appeared, askrd asked what i was doing, I attempted tp explain, He asked why d- idnt I ask for permission, or have someone cook them for me.

I had encounterd this problem before, I asked Line Cook Angel Ruiz to cook me some eggs/he rufused. So no I did not ask, I felt totally qualified to scramble 2oz of eggs. Chef Michel proceded to get insulting and a bit ugly instantly. Raising his voice & seeking confrontation while forcing me out of the kitchen, Shouting dis-respectfully behind me telling me to get out of his kitchen & not come back in there.

On 3-11-17 I was told by my Supvsr. Julio as a result of my doing my job , I am prohibited from cooking anything & if my customers need something cooked, I have to find alternative ways other than the kitchen, if not i risk loosing my job. This is not a complaint against Chef Micheal, But I feel his responce & action were discriminatory & very disrespectful to me personally.

Please Place In My Personel File!

Thank You



4-5-2017

To: Mr. Tony Taylor
Store Manager
Hy-Vee #01439-01
New Hope MN

From: Kenneth C. Frazier
Line Cook/ Italian
Id# 709472
Hire Date 9-6-2015
LeCordon Bleu Class of 6/16 W/Honors

Re: Equal Pay/Compensation & Advancement

Good afternoon Sir: I was told that my immediate supervisor Julio,s brother Uriel had been promoted to Full Time and given a raise over & above me. I attempted to ask Julio what happened, I have been talking to him about a raise & full time hours since last year-his response then was its cooming keep working! Now he, s saying I Should talk to you, becouse now he,s not in charge becouse its his brother & would be Bias'ed.

I was hired thru the externship program from LeCordon Bleu to complete my training to become a Sous Chef or Chef.That was not to be! I was deleated from the Market Grill Line Cook Schedule & my position was given to then Dishwasher: David Loretto,I was told by Chef Dayton that he had no hours for me so I could find a d ifferent department or leave the store.

Luckily for me Cordel, The manager of Italian was in need of a cook. I started in Italian the next day up untill now.No raise.

I have been in charge of opening/closing the department, I have implemented new menu items=Salmon Pizza,Happy Hour. Catering= Coming in at 4:45am to complete catering order due Hot&Ready at 6:30am these are just a few of the resposibilities that ive been entrusted with, Ive made diliveries using the Hy-Vee Van & at times when the van was un-available I used my own vehichle.I feel that I deserved the full time. I have been & am seeking a fair wage.I worked hard now im being told to persevere & the bebefits will come.I feel this is very unfair & discriminitory,I have asked for an evaluation & a raise.Got nothing! Uriel's gotten his evaluation and is probably being paid an wage based on seniority, job perf. etc. I dont feel I am or have ^{ben} being paid Equally.

Can you please ad this to my file?

Respectfully

Kenneth C. Frazier

1000

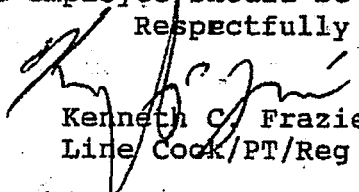
4-12-2017

JulioI would like to change my availability, Since im only allowed 6hrs, I would like to work mornings 9am to 3pm, or 10am to 4pm, or 12pm to 6pm , I just think that I have been exceeding my part time/regular wage requirements, I would also request not to be required to make deliveries. A full time employee should make deliveries so if something happens thay would be compensated.I just want to do my 6hours & go home ,I will not request a raise or advancement.

I apologize for any inconvienece this might cause!

A full time employee should be responsible for closing!

Respectfully


Kenneth C. Frazier
Line Cook/PT/Reg Italian Clerk

WE CAN TALK ABOUT THE TIMES?

#7

444-2017-00678

4-24-2017

To: E.E.O.C

Claim# 444-2017-00678

Re: Explanation of Exhibit's 1 thru 7 .

From: Kenneth C. Frazier/Claimant

- #1 This is when i noticed Uriel Aroyo, had been given an open ended 8 hour schedule, & on days working w/his brother Julio. And had been given Full Time ahead & over me.!
- #2 This shows the schedule changes that were to be made, On 4-14-2017 after meeting w/Tony+Store Mngr & Tyler I was given full time, After meeting w/Tony, I was told by my supervisor Julio that since I wanted full time, that i was responsible for my co-workers who's name had To See Tyler were deleated from my/our department, After hearing this i went to Store Mngr Tony to withdraw my request, Julio came & told me not to say anything, I still felt bad.
- #3 This shows the schedule change's , where i was given an $\frac{1}{2}$ $\frac{1}{2}$ hour increase & $1\frac{1}{2}$ hour increse on friday, No open ended schedule's. But they all get 40 hours.
- #4 This shows me loosing the 2 hours I thought I.had gained. My schedule changed again & i came in at 8am untill 4 pm on 4-12-17, got a 1 day notice of change.
- #5 This shows the schedule change's where my thursday was taken & my friday, And im being made to work in the Sushi dept to get my 40 hours, Im being deleated from Italian, The hours taken from my co-workers went to Uriel & his supervisor brother Julio & not me as I was told. No hours for me. I had to Talk to Tyler also.
- #6 This shos the employee availability list witch was allways open to change when neded, The date is 6-15-2016. Im on the schedule were Uriel Aroyo is not.
- #7 This shows were I requested to switch to days or mid-day shift #5 shows what I got. Partial Deletion. My supervisor Julio's now starting to complain about my work, with everyone gone I work mainly alone, so its difficult to take a brake, I have to keep the line full,take restaurant orders,phone oeders,customers order's also,re-stock etc.

241.50

[illegible]

[illegible]

April	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday	#4
	17	18	19	20	21	22	23	
Name	In	Out	In	Out	In	Out	In	Out
Julio	7	4	7	4	7	4	7	4
Allison	8	4	8	4	8	4	8	4
Uriel	8	4	8	4	8	4	8	4
Nakita	8	4	8	4	8	4	8	4
Theresa	4	cl	4	cl	4	cl	4	cl
Efrain	8	4	8	4	8	4	8	4
Gabby	8	4	8	4	8	4	8	4
Lucy	3	8	3	8	3	8	3	8
Lauren	8	4	8	4	8	4	8	4
Ken	3:30	4	3:30	4	3:30	4	3:30	4

[illegible]

Employee Availability

444-2017-00678

Location 143901		Hy-Vee, Inc.					New Hope
Employee	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
BERRY, LATISHA M	Not Available	12:00a-11:59p	12:00a-11:59p	12:00a-11:59p	12:00a-11:59p	12:00a-11:59p	12:00a-11:59p
(m)BUSHROD, NA'SEAN M	12:00a-11:59p	Not Available	12:00a-11:59p	12:00a-11:59p	Not Available	12:00a-11:59p	Not Available
FRAZIER, KENNETH C	03:00p-07:00a	03:00p-07:00a	03:00p-07:00a	03:00p-07:00a	03:00p-07:00a	03:00p-07:00a	03:00p-07:00a
GONZALEZ-PONCE, EFRAIN	08:00a-10:00p	04:00p-09:00p	04:00p-09:00p	04:00p-09:00p	04:00p-10:00p	04:00p-10:00p	08:00a-10:00p
GREENLEE, JASON	12:00a-11:59p	12:00a-11:59p	12:00a-11:59p	12:00a-11:59p	12:00a-11:59p	12:00a-11:59p	12:00a-11:59p
KOLVIG, KATHYA	12:00p-09:00p	01:00p-09:00p	07:00a-05:00p	07:00a-09:00p	07:00a-05:00p	07:00a-05:00p	07:00a-09:00p
MAGGI, THERESAA	07:00a-10:00p 4-c/s	07:00a-10:00p	07:00a-10:00p 4-c/s	07:00a-10:00p	07:00a-10:00p	07:00a-10:00p	07:00a-10:00p
MILON, LEJON D	10:30a-08:00p	03:30p-10:30p	03:30p-10:30p	03:30p-10:30p	03:30p-10:30p	03:30p-10:30p	10:30a-08:00p
OLIVARES, OSWIN M	12:00p-06:00p	04:00p-09:00p	04:00p-09:00p	04:00p-09:00p	04:00p-09:00p	04:00p-09:00p	12:00p-06:00p
PADILLA, WENDY	12:00a-11:59p	Not Available	07:00a-11:59p	12:00a-11:59p	12:00a-11:59p	12:00a-11:59p	12:00a-11:59p
PINEDAARROYO, JULIO C	12:00a-11:59p	12:00a-11:59p	12:00a-11:59p	12:00a-11:59p	12:00a-11:59p	12:00a-11:59p	12:00a-11:59p
WILLIAMSON, NAKITA L	09:00a-04:00p	09:00a-04:00p	09:00a-04:00p	09:00a-04:00p	09:00a-04:00p	09:00a-04:00p	09:00a-04:00p
WILLIAMSON, TAMA L	07:00a-11:00p	04:00p-11:00p	04:00p-11:00p	07:00a-11:00p	04:00p-11:00p	04:00p-11:00p	07:00a-11:00p
(m)XIONG, LUCY	12:00p-07:00p	03:00p-07:00p	03:00p-07:00p	Not Available	Not Available	03:00p-07:00p	Not Available

5-1-2017

To: E.E.O.C

Claim# 444-2017-00678

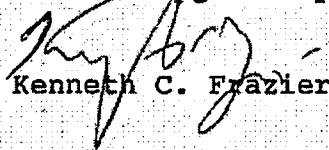
Re: Explanation of Exhibit's 1 thru 2
Loss of Hours

From: Kenneth C. Frazier?Claimant

- #1 Upon arrival at work on 4-29-2017, I noticed my hours/schedule. I asked my supervisor Julio what was going on he informed me that he could only give me 25 hours of scheduled work. He also stated that I should talk to Ms. Ping in the Asian dept, About 15 hours of scheduled work. Everyone else in my dept are getting thier hours & some!
- 40
- #2 This is a copy of hhe Asian dept schedule for the wk of May 1st, Im not on the schedule, Ms.Ping stated she would see what she could do, contingent on how well I do in the Sushi dept.

I was given full-time i guess, I dont no if im an Italian Clerk or just in limbo. What should i do if im told by Julio that he has no hours of scheduled work for me, I find myself in a very unstable work enviornment. Maybe I will be added to the Asian schedule for the 15 hours later in the weak.

Respectfully


Kenneth C. Frazier

#2 444-2017-00678

Weekly Schedules

05/01/2017 Through 05/07/2017
Sorted by Name

Location 143901		Hy-Vee, Inc.					New Hope	
		Mon 05/01	Tue 05/02	Wed 05/03	Thu 05/04	Fri 05/05	Sat 05/06	Sun 05/07
CEFRE, IRA (21.50)	Clerk S 04:30p-09:30p			Clerk S 04:30p-10:00p	Clerk S 04:30p-10:00p		Clerk S 07:30a-01:00p	
FEDJE, JOSEPH R (18.25)			Clerk S 10:00a-02:00p		Clerk S 10:00a-02:00p	Clerk S 10:00a-02:15p	Clerk S 10:00a-02:00p	
(m)GARNER, ANIYAH (15.00)	Clerk S 04:30p-09:30p					Clerk S 04:30p-09:30p	Clerk S 04:30p-09:30p	
GRANT, JASMIN M (10.25)	Clerk S 04:15p-09:30p			4:30-9:30	Clerk S 04:30p-09:30p			
HARRIGIN, KEMAH (13.50)	Clerk S 10:15a-02:15p				Clerk S 04:30p-09:30p			Clerk S 11:30a-04:00p
HOWARD, AARON D (21.00)	SushiChef S 07:00a-01:00p	SushiChef S 07:30a-01:00p	SushiChef S 10:00a-02:00p	SushiChef S 07:30a-01:00p				
HWANG, SHOW L (41.00)	Cook S 09:00a-09:00p		Cook S 03:00p-10:00p	Cook S 02:30p-09:30p	Cook S 03:00p-11:00p	Cook S 03:00p-10:00p		
LEE, YI H (24.00)	SushiChef S 09:00a-04:30p	SushiChef S 09:00a-02:30p	SushiChef S 09:00a-03:00p	Clerk S 09:00a-02:00p				
LEWIS, ALFRED J (18.50)		Clerk S 04:30p-09:30p	Clerk S 04:30p-09:30p				Clerk S 11:30a-03:30p	Clerk S 05:00p-09:30p
MEAD, DYLANA (19.50)		Clerk S 04:15p-09:30p	Clerk S 04:15p-09:30p			Clerk S 04:30p-09:30p		Clerk S 10:30a-02:30p
MEDCALF, LOIS M (22.00)	Clerk S 10:45a-03:15p	Clerk S 10:45a-03:15p	Clerk S 11:00a-03:30p	Clerk S 10:45a-03:15p	Clerk S 11:00a-03:00p			
PEREIRA-SORTO, YELSI R (11.00)							Clerk S 04:00p-09:30p	Clerk S 04:00p-09:30p
TSAO, CHIN (43.00)	Cook S 02:30p-10:00p	Cook S 02:30p-10:00p		Cook S 09:00a-04:30p			Cook S 08:00a-05:00p	Cook S 09:00a-09:30p
TSAO, CHING (42.50)	AsstDeptMgr S 09:00a-04:30p	AsstDeptMgr S 09:00a-09:30p	AsstDeptMgr S 09:00a-04:30p	AsstDeptMgr S 09:00a-04:30p	AsstDeptMgr S 09:00a-04:30p	AsstDeptMgr S 09:00a-04:30p		
TSAO, PING C (43.00)			DeptManager S 12:00p-07:00p	DeptManager S 02:00p-10:00p	DeptManager S 09:00a-04:00p	DeptManager S 03:00p-11:00p	DeptManager S 09:00a-10:00p	
TSAO, SEAN (43.00)		Cook S 09:00a-04:30p	Cook S 09:00a-04:30p		Cook S 09:00a-04:30p	Cook S 09:00a-05:00p	Cook S 09:00a-09:30p	
VENTOCILLA LEON, LUIS A (41.50)	SushiChef S 01:00p-10:00p	SushiChef S 02:30p-10:00p	SushiChef S 01:00p-10:00p		SushiChef S 03:00p-11:00p	SushiChef S 02:00p-10:00p		
WANG, YEETEE (11.00)			Clerk S 04:00p-09:30p		Clerk S 04:00p-09:30p			
WESTLUND, JENNIFER L (22.50)			Clerk S 07:00a-01:00p		Clerk S 07:30a-01:00p	Clerk S 09:00a-02:00p	Clerk S 07:30a-01:30p	
(480.00)	73.25	64.75	79.75	64.50	67.25	68.00	62.50	
Report Total (480.00)	73.25	64.75	79.75	64.50	67.25	68.00	62.50	

04/27/2017

11:07AM

12-13-2018

To: New Hope HY-VEE
Meat Mngr, Store Mngr

Re: Attendance Write Up 12-09-2018
Concern & Refute Attendance Violation Alligations.

From: Kenneth C. Frazier Empl#709472
Food Truck Owner, LeCordon Bleu 2015, Hy-Vee Line Cook 2015
LeCordon Bleu Grad 2016, Italian & Sushi clerk 2016-18,
Meat Clerk 06-18 to present

I do not like the position i find myself in, but here we are, I must defend myself or make the attempt! My job is at risk even though ive been at work everyday since August 2015.

My Concerns: Requesting full time while working in Italian, Just to watch My Suprvs brother Ureal walk right in off the streets into a full time position that should have went to me.

Im then given full time hours but im split between Italian & Sushi, I request to go to the bakery-there was an opening, request denied. Requested Sushi Chef position im opening & closing Sushi as well as Italian & getting the truck twice a week. Ive had to watch a kid from Smashburger get hired as Sushi Chef & I have to train, go figure, there have been others. So I got the message a person such as myself can do the job but Chef will not be recognized. Ive made a commitment to Hy-Vee go figure.

While in Sushi Ive had to make request for days off in writing 3wks in advance only to have them denied. I make my Supervisor Julio i cant get to wrk on sundays, He schedules me for every sunday, go figure. Now i go to the meat department with same issue transportation a problem on saturday no bus at all on sunday.

On Saturday 12-8-18 I had a problem, made the attempt to get to wrk when could not tried to call, meat dept no answer, Brett called 45mn later, wrong bus, im super cold going home been trying to get to wrk since 08:15 it was 11:00. One missed day does not a pattern make. I request the right up be pulled & my request again to have saturday 7 sunday off for the same reasons transportation 7 a change that occurred today 12-13-2018.

I have applied to & have been accepted into a program, This program will assist me in completting my dream of having a brick & mortar restourant. The classes start tommorow 12-15-18.

As soon as i was notified, I made Brent aware, the classes are held on saturday. I am requesting again to make an availa-billity modfication/change. I need saturday & sunday off, the location is on a major bus route!

My Supvsr. Brett stated he might or I might have to use my flex time to be scheduled off. I can work Monday thru Friday thereby fullfilling my (fulltime) obligations. Or I can request a down grade to part-time (without loosing my job) I realize im somewhat invisable,dont want to completely dis-appear.

Can you please take my flex days for each saturday & make sunday an off day, so i dont have to call off every saturday or sunday. If i miss calling i could get fired for an attenda-nce violation. I appologize for any incovience this may cause.

There is obviously little to no place for advancement for a person like me! So I have an obligation to myself. I aspire to be a chef with my own restaurant.

I have included a: Reduction in Work Hours Request, if ne eded.

P.S I have always used good judgement, I dont need to be threatened & intimidated w/I dont have an attendance problem.

My requesting sunday off,is not for leisure its a necessatte no buses run on sunday & I can request a day off without it.

Thank you in advance for your assistance in this matter.

Please ad to my personal file.

Kenneth C. Frazier



2 of 2

4 of 5

IMMEDIATELY FAX COMPLETED FORM TO MELISSA ERNST 515-559-2431**Reduction in Work Hours Request
Regular Time/Full Time to Part-time Status****Employee Information:**Name Kenneth C. FrazierTelephone Number 612-203-7876 SSN/EmployeeID 709472**Location/Store Information:**Location/Store 01439-01 New Hope MN 8200 42nd AveStore Director Josh Suing HR contact Jake SiconeEffective date of Reduction in Hours/Status Change: 12-22-2018**Instructions:**

Please review this affidavit carefully, sign and date in the presence of your Store Director. The completed form should then be submitted to Melissa Ernst at the fax number indicated above. The Benefit Plan Department will review/approve all requests for coverage due to a reduction in work hours and contact your HR Contact upon final decision.

I make this request in order to have Saturday & Sunday off
in order to attend a class & not lose my job.

Affidavit (choose one)☐

As part of my reduction in hours, I want to voluntarily WAIVE my core insurance (medical, dental, life, STD and/or LTD) coverage offers which I understand will CANCEL all of my current insurance coverage through the Hy-Vee & Affiliates Benefit Plan effective upon the date of my status change noted above. I also understand, under the Affordable Care Act, the need to be covered by other medical coverage no later than the 1st day of the second month following the month of my change in status.

☐

As part of my reduction in hours, I want to CONTINUE my core insurance (medical, dental, life, STD and/or LTD) coverage through the Hy-Vee & Affiliates Benefit Plan. I understand that by continuing my core insurance coverage(s) I will be responsible for maintaining premium payments. I also understand that for the next three months I will remain a FT/RT employee and my hours will be tracked:

I can work
Monday thru
Friday, and If
you cant use
flex hours
use this, back
2 fulltime
after class!

- If I average **30 or more** hours /week for the 3 months following my reduction in hours, I can CONTINUE my core insurance benefits until such a time I do not pay for my premiums or submit a new affidavit form. I will remain a Full/Regular Time employee and continue to pay premiums via payroll deduction.
- If I average **LESS than 30** hours /week my medical coverage will be CANCELED with the option to continue on COBRA and my status will be changed to part-time at the conclusion of my three month measurement.
- I understand that if at any point during my three month measurement, or after, I do not have enough money in my paycheck to cover the cost of my core insurance premium(s), the amount will accumulate until the premium costs can be paid. Accumulation will not exceed two pay periods. If my paycheck does not cover this amount within the designated period I understand I have the option to submit a check to the Hy-Vee Benefit Plan. If my account remains delinquent, my medical insurance will be canceled retroactively to the first date I was delinquent in paying and any paid claims will be reprocessed/denied.

Employee Signature:

Date:

Store Director Signature:

Date:

12-29-18

To: Josh Suing/ Store Dir.
Hy-Vee/ New Hope, MN

Re: Day Off Request

From: Kenneth C. Frazier
Emply# 709472

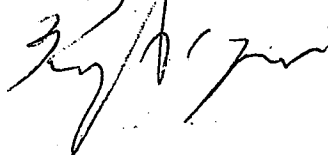
Ive considered the option of downgrading myself to part-time, After talking to Brent & Scott, Going back to full-time would not be an option open to me.

I am requesting to change my availabilility, I need to have the next 6 Saturday,s off to attend a class, This cass is part of the process I must go thru in an attempt to pursue my own dreams of restourante ownership. My requesting Sunday off is a necessatte more now, given the right up & no buses run to New Hope on Sunday.

Im not asking for special treatment, Life happens, Im not requesting additional days off. Im trying not to loose my job while attempting to promote myself. Ive worked here since opening or before, There,s a lot of room for advancement here, Just not for a person like me. I can meet my obligation to Hy-Vee monday thru friday & fullfill the obligation to myself at the same time. I have flex-days if needed for saturday. I realize this is a very difficult request! I thank you in advance for your consideration in this matter.

Today 12-29-18 I WAS SCHEDULED FOR WORK 9 TO 6, ARRIVED TO FIND OUT THAT I WAS GIVEN THE DAY OFF FOR CLASS, I WAS NOT TOLD!

Kenneth C. Frazier



HY-VEE EMPLOYEE CONSULTATION FORM

STORE: New Hope DATE: 12/8/2018EMPLOYEE NAME: Ken Frazier

ISSUE: (PLEASE CHECK ALL THAT APPLY AND PROVIDE DETAILS)

☐ Dress Code ☐ Work Performance ☐ Conduct ☒ Attendance ☐ Other

Detailed Explanation:

Saturday, December 8th, Ken failed to contact the store to communicate he was unable to make it to work on time. When he was called by us, an hour and forty-five minutes after his shift was scheduled to start, he informed management that he was not coming to work and needed to go home and take a nap. *I LEFT HOME AT 8:15 ON MY WAY TO WORK CAUGHT SLEEPS NEVER MADE IT TO MY*

CORRECTIVE PLAN OF ACTION: DESTINATION

Ken will speak with someone in management at Hy-Vee when he is unable to make it to work on time. Ken will also need to exercise better judgement and planning to make it to work when scheduled. *I ALWAYS USE GOOD JUDGEMENT.*

ADDITIONAL COMMENTS:

Everyone in the meat department is expected to show up ready for work when they are scheduled. Management has been very reasonable and flexible with minor problems due to the nature that everyone has different circumstances outside of work that occasionally require some on-the-fly changes to be made. In addition, management has been accommodating to Ken at the expense of others in the department about having one Sunday a month off for his leisure. It is important for Ken to be accountable and dependable. *NO BUSSES RUN ON SUNDAY*

By signing below, all parties acknowledge the above plan of action and recognize that failure to comply may result in disciplinary action.

SIGNATURES:

Employee

Supervisor

Witness

Date

Retain a copy for employee's file and give one copy to the Employee

I FEEL THAT THIS SHOULD HAVE BEEN A VERBAL WARNING INSTEAD OF A RIGHT UP, ONE TIME MISSED ON SAT 12-8-18 AND A RIGHT UP IS WHAT I GOT. I DO NOT AGREE, BUT HERE WE ARE.

2-28-2019

To: E.E.O.C

RE: Hy-Vee/ Settlement of Claim

68346 MDHR

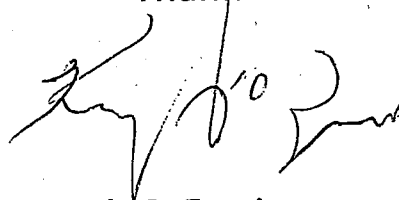
444201700678 EEOC

From: Kenneth C. Frazier/ Claimant

1. The discrimination I was subjected to was Intentional.
2. The discrimination I was subjected to, I feel was motivated by several factors, 1 race, 2 gender, 3 age, 4 bias.
3. I had to endure the discriminatory acts for years.
4. I got to feel how it felt to be invisible, It did not feel good at all!
5. I had to watch Ureal, my supervisor's brother walk in & receive full time hours & a chefs position.
6. After the full time position was given to Ureal, I had to endure them walking around grinning at me. Taunting me. It was stresfull & painful everyday
7. Ureal did not have to work in 2 departments to get his hours, I had to open & close The Italian & Sushi departments to get hours.
8. Even though I was opening & closing Both departments, I was not qualified to be Italian Chef or Sushi Chef even though I was doing both jobs.
9. After the position was given away, My supervisor told me to keep up the hard work & a full time position would become available, he gave those opportunities to his brother.

10. The discrimination I was subjected to was done with malice to Enflck harm & deny me the position I earned.
11. I came to Hy-Vee from Le Cordon Bleu School of culinary arts were I graduated with honors June 2016. Externship agreement.
12. I presented my Diploma to my Supervisor, upon completion I was & should have been given a substantial raise, I received nothing.
13. I have been doing every job & position presented to me.3 departments, line cook, sushi clerk, Italian clerk, meat clerk.
14. I feel I deserve at least \$150,000 because of the long term on going discrimination, I complained & nothing was done to correct the situation.
15. I would like to be Sushi Chef but I don't want to go back to a bad situation/supervisor.

Thank You



Kenneth C. Frazier



Job Title: Assistant Meat Manager

FLSA: Non-Exempt

Department: Meat

Revision Date: 04/2018

General Function:

Provides prompt, efficient and friendly customer service. Assists Department Manager to present the freshest most innovative and best quality products at a competitive retail price to customers.

Reporting Relations:

Accountable and Reports to:

Store Director; Assistant Director Operations;
Perishables; Health Wellness Home, Managers
GM, Perishables, and Store Operations;
Assistant Managers GM, Perishables, and Store
Operations; Assistant Managers, Meat Manager

Direct Reports:

Meat Specialists, Meat Wrap Coordinators,
Clerks

Primary Duties and Responsibilities:

1. Provides prompt, efficient and friendly customer service by exhibiting caring, concern and patience in all customer interactions and treating customers as the most important people in the store.
2. Smiles and greets customers in a friendly manner, whether the encounter takes place in the employee's designated department or elsewhere in the store.
3. Makes an effort to learn customers' names and to address them by name whenever possible.
4. Assists customers by: (examples include)
 - escorting them to the products they're looking for
 - securing products that are out of reach
 - loading or unloading heavy items
 - making note of and passing along customer suggestions or requests
 - performing other tasks in every way possible to enhance the shopping experience.
5. Answers the telephone promptly and provides friendly, helpful service to customers who call including taking product orders.
6. Works with co-workers as a team to ensure customer satisfaction and a pleasant work environment.
7. Ensures department standards are met.
8. Reviews the status and appearance of product for freshness and pulls by stale date.
9. Ensures display case product is rotated and replenished.
10. Prepares cutting lists for case fills.

11. Offers meal solutions, and gives advice on preparation to customers.
12. Handles and satisfies customer issues.
13. Conducts cutting tests.
14. Orders new items (not strictly replenishment).
15. Ensures proper temperatures and storage procedures are maintained to guarantee freshness and control shrink of product.
16. Trains new employees.
17. Tenderizes, grinds, and cuts merchandise.
18. Understands and practices proper sanitation procedures and ensures the work area is always clean and neat, and maintains strict adherence to department and company guidelines related to personal hygiene and dress.
19. Adheres to company policies and individual store guidelines.
20. Reports to work when scheduled and on time.

Secondary Duties and Responsibilities:

1. Assumes management duties in absence of Department Manager.
2. Wraps, weighs, and labels product.
3. Performs cleaning in the department.
4. Provides input on goals and pricing.
5. Assists in other areas of store as needed.
6. Performs other job related duties and special projects as required.

Supervisory Responsibilities:

Instructs, assigns, reviews and plans work of others. Maintains standards, coordinates activities, and allocates personnel.

Education and Experience:

High School or equivalent, Computer meat program, Hy-Vee food safety training, Cornell Home Study food safety course (Effective 03/07/96), Dale Carnegie is encouraged. Over one year of related work experience preferred.

Physical Requirements:

- Must be physically able to exert up to 100 pounds of force (energy exerted) occasionally; exert up to 50 pounds of force frequently; and exert up to 10 pounds of force constantly to move objects.
- Visual requirements include vision from less than 20 inches to more than 20 feet with or without correction, depth perception, color vision (ability to identify and distinguish colors), and field of vision.
- Must be able to perform the following physical activities: Climbing, balancing, stooping, kneeling, reaching, standing, walking, pushing, pulling, lifting, grasping, feeling, talking, hearing, and repetitive motions.

Knowledge, Skills, Abilities and Worker Characteristics:

- Must have the ability to solve practical problems; variety of variables with limited standardization; interpret instructions.
- Ability to do arithmetic calculations involving fractions, decimals, and percentages.
- Must have the ability to file, post, and mail materials; copy data from one record to another; interview to obtain basic information; guide people and provide basic direction.

Working Conditions:

This position is exposed daily to dirt, noise, temperature extremes, dampness, vibrations, equipment movement hazards, cleaning chemicals/solvents, and electrical shock. This is a fast paced work environment.

Equipment Used to Perform Job:

Power ban saw, Grinder, Tenderizer, Slicer, Bone duster (where applicable), Knives, Tumblers, Automatic patty machine (where applicable), Automatic stuffer, Wrapping system, Rotisserie, Pallet jack, box cutter, Computer, Telexon ordering unit, and C.A.R.S. reordering system.

Financial Responsibility:

Responsible for company assets including equipment and merchandise.

Confidentiality:

Has access to confidential information including ads, gross profit percentage, wages, sales, pricing, and employee information.

Contacts:

Deals with customers on a daily basis, works with governmental or regulatory agencies regularly, has contact with vendors and suppliers and community organizations.



Job Title: Service Meat Clerk

FLSA: Non-Exempt

Department: Meat

Revision Date: 05/2015

General Function:

Provides prompt, efficient and friendly customer service. Wraps, trims, stocks cases, and receives merchandise in the Meat and/or Seafood Department.

Reporting Relations:

Accountable and Reports to:

Store Director, Assistant Store Director; Managers GM, Perishables, and Store Operations, Assistant Managers, Meat Manager, Assistant Meat Manager, Seafood Manager; Assistant Seafood Manager; Meat Specialist

Direct Reports:

Under certain circumstances, part-time stockers could receive direction from the person in this position

Primary Duties and Responsibilities:

1. Provides prompt, efficient and friendly customer service by exhibiting caring, concern and patience in all customer interactions and treating customers as the most important people in the store.
2. Smiles and greets customers in a friendly manner, whether the encounter takes place in the employee's designated department or elsewhere in the store.
3. Makes an effort to learn customers' names and to address them by name whenever possible.
4. Assists customers by:
 - escorting them to the products they're looking for
 - securing products that are out of reach
 - loading or unloading heavy items
 - making note of and passing along customer suggestions or requests
 - performing other tasks in every way possible to enhance the shopping experience.
5. Answers the telephone promptly when called upon, and provides friendly, helpful service to customers who call including taking customer orders.
6. Works with co-workers as a team to ensure customer satisfaction and a pleasant work environment.
7. Wraps, weighs, and labels product.
8. Reviews the status and appearance of the food for freshness, then stocks cases or rotates product.
9. Finishes trims on steaks, roasts, and chops in preparing these retail cuts, including seafood for trayng.
10. Prepares and organizes seafood items for display.



CURRENT
POSITION

Job Title: Service Meat Clerk

FLSA: Non-Exempt

Department: Meat

Revision Date: 05/2015

General Function:

Provides prompt, efficient and friendly customer service. Wraps, trims, stocks cases, and receives merchandise in the Meat and/or Seafood Department.

Reporting Relations:

Accountable and Reports to:

Store Director, Assistant Store Director; Managers GM, Perishables, and Store Operations, Assistant Managers, Meat Manager, Assistant Meat Manager, Seafood Manager; Assistant Seafood Manager; Meat Specialist

Direct Reports:

Under certain circumstances, part-time stockers could receive direction from the person in this position

Primary Duties and Responsibilities:

1. Provides prompt, efficient and friendly customer service by exhibiting caring, concern and patience in all customer interactions and treating customers as the most important people in the store.
2. Smiles and greets customers in a friendly manner, whether the encounter takes place in the employee's designated department or elsewhere in the store.
3. Makes an effort to learn customers' names and to address them by name whenever possible.
4. Assists customers by:
 - escorting them to the products they're looking for
 - securing products that are out of reach
 - loading or unloading heavy items
 - making note of and passing along customer suggestions or requests
 - performing other tasks in every way possible to enhance the shopping experience.
5. Answers the telephone promptly when called upon, and provides friendly, helpful service to customers who call including taking customer orders.
6. Works with co-workers as a team to ensure customer satisfaction and a pleasant work environment.
7. Wraps, weighs, and labels product.
8. Reviews the status and appearance of the food for freshness, then stocks cases or rotates product.
9. Finishes trims on steaks, roasts, and chops in preparing these retail cuts, including seafood for traying.
10. Prepares and organizes seafood items for display.

11. Understands and practices proper sanitation procedures and ensures the work area is always clean and neat.
12. Replenishes and organizes the coolers.
13. Reports out-of-stock products to appropriate personnel.
14. Trays, slices, tenderizes, and grinds product.
15. Removes trash in a timely manner.
16. Maintains strict adherence to department and company guidelines related to personal hygiene and dress.
17. Adheres to company policies and individual store guidelines.
18. Reports to work when scheduled and on time.

Secondary Duties and Responsibilities:

1. Prepares some signs for the department.
2. Orders replenishment merchandise as directed by management.
3. Assists in other areas of store as needed.
4. Performs other job related duties and special projects as required.

Education and Experience:

High School or equivalent experience, food safety training. Six months or less of similar or related work.

Physical Requirements:

- Must be physically able to exert up to 85 pounds of force (energy exerted) occasionally; exert up to 40 pounds of force frequently; and exert up to 10 pounds of force constantly to move objects.
- Visual requirements include vision from less than 20 inches to more than 20 feet with or without correction, depth perception, color vision (ability to identify and distinguish colors), and field of vision.
- Must be able to perform the following physical activities: Climbing, balancing, stooping, kneeling, reaching, standing, walking, pushing, pulling, lifting, grasping, feeling, talking, hearing, and repetitive motions.

Knowledge, Skills, Abilities and Worker Characteristics:

- Must have the ability to carry out detailed but uninvolved written or verbal instructions; deal with a few concrete variables.
- Ability to do simple addition and subtraction; copying figures, counting and recording.
- Possess the ability to understand and follow verbal or demonstrated instructions; write identifying information; request supplies orally or in writing.

Working Conditions:

This position is continually exposed to a cool environment and dampness. There is frequent noise from the saws, exposure to cleaning solvents, and possibility of electrical shock. This is a fast paced work environment.

Equipment Used to Perform Job:

Knives, Grinders, Patty Maker, Tenderizer, Slicer, Pallet jack, Tumbler, Wrapping system, and Rotisserie.

Contacts:

Deals with customers on a daily basis and vendors/suppliers on an as needed basis.

9-10-2019

From: Kenneth C. Frazier/ Meat Clerk/ Empl# 709472/ Store#1439

To: Human Resources/ Store Director

Re: Harassment: In violation of the Civil Rights Act of 1964 Title VII.

Sirs: Can you please consider this my written complaint against Chef. Rabbecca /Deli Dept. For what I perceived as discriminatory ,hostile ,unwanted ,& repetitive actions!

On August 17, 2019 I was refilling a cup w/soda to take to my drinking cup in back, Chef Rabbecca was sitting there & asked if soda was free , I responded by saying it was a re-fill. I went back to the meat dept. Not 2 min. later I was called into the Directors office & questioned about the drink . I had several receipt's in my pocket, I did not have the one 4 the drink, So I paid again. I told Jake to thank Chef. Rabbecca!

On September 02 2019, I was exiting the store with my purchases, I noticed Chef. Rabbecca by the service counter talking to the Asst. Mngr Bri, (she was just at the Deli counter/stalked me). While exiting I was approached by Asst Mngr Bri she asked me if I paid for what I had in my bag? I responded yes & showed her the receipt & told her to thank Chef Rabbecca! I had received some free burgers they questioned those for a week!

On September 07 2019, I was paying for my items at the outer dining room register, while standing there I noticed Chef. Rabbecca behind me so close that I felt her in my space trying to see what I was doing, I was paying for my items!

As a result of these actions, I have to bring my own drink from home & my lunch. I am not used to having to defend my integrity, honesty, to someone whom I feel or has shown a bias attitude or even racist feelings. Chef. Rabecca was overheard saying that she has never liked me & was going to do whatever she could to cause my termination. I do not like the possible hostile work environment I find myself in. Let me clarify I am not hostile against Chef Rabecca, She is hostile towards me. Just so there's no confusion. Insults R Just That Painful Insults!

This is just an attempt to protect myself against any & all accusations!

Can you please add this to my personal file!

Thank You

A handwritten signature in black ink, appearing to read 'Ken Frazier', written over the printed name.

Kenneth C. Frazier

CC: Hy-Vee Corporate

E.E.O.C